UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/RES/46/120
18 February 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721)]

46/120. Human rights in the administration of justice

The General Assembly,

Recalling its resolution 45/166 of 18 December 1990,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 1/ and the relevant provisions of the International Covenant on Civil and Political Rights 2/ and the Optional Protocols thereto, 3/ in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 4/ and in the International Convention on the Elimination of All Forms of Racial Discrimination, 5/

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

4/ Resolution 39/46, annex.

5/ Resolution 2106 A (XX), annex.

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Calling attention to the numerous international standards in the field of the administration of justice, such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 6/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 7/ and the safeguards guaranteeing protection of the rights of those facing the death penalty, 8/ as well as the Basic Principles on the Independence of the Judiciary, 9/ the Basic Principles on the Role of Lawyers, 10/ the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners, 9/ as well as the Code of Conduct for Law Enforcement Officials, 11/ the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 10/ and the Standard Minimum Rules for the Treatment of Prisoners, 12/

Recognizing the important contribution of the Commission on Human Rights in the field of human rights in the administration of justice, as reflected in its resolutions 1991/34 of 5 March 1991 on human rights in the administration of justice, 1991/39 of 5 March 1991 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1991/43 of 5 March 1991 on the right to a fair trial and 1991/71 of 6 March 1991 on summary or arbitrary executions, 13/

Welcoming Commission on Human Rights resolutions 1991/31 of 5 March 1991 on human rights and thematic procedures, 1991/42 of 5 March 1991 on the question of arbitrary detention and 1991/70 of 6 March 1991 on cooperation with representatives of United Nations human rights bodies, 13/

Also welcoming Commission on Human Rights resolution 1991/41 of 5 March 1991, 13/ establishing an inter-sessional working group to finalize the draft declaration on the protection of all persons from enforced or involuntary disappearances, and inviting the Commission to consider the revised draft declaration as a matter of high priority at its forty-eighth session,

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6/ Resolution 43/173, annex.

7/ Resolution 40/34, annex.

8/ Economic and Social Council resolution 1984/50, annex.

9/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.

10/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap.I, sect.B.

11/ Resolution 34/169, annex.

12/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

13/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

Further welcoming the recommendations contained in the first report of Mr. Louis Joinet 14/ on strengthening the independence of judges and lawyers and endorsed by the Subcommission on Prevention of Discrimination and Protection of Minorities in its resolution 1991/35 of 29 August 1991, 15/ including those on planning and organizing advisory services and technical assistance, and also welcoming the decision of the Subcommission to entrust Mr. Joinet with the preparation of a further report,

Welcoming the further progress achieved by the Subcommission on the subject of compensation for victims of gross violations of human rights and also Subcommission resolution 1991/25 of 29 August 1991, 15/

Recalling the standards unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the recommendations made with a view to ensuring more effective applications of existing standards, and recalling also its invitation to Governments to respect these standards and to take them into account within the framework of their national legislation and practice,

Recognizing the significant work accomplished in this area under the United Nations crime prevention and criminal justice programmes,

Reaffirming the importance of the principles contained in its resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Underlining the need for further coordinated and concerted action in promoting respect for human rights in the administration of justice,

1. Reaffirms the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice;

2. Once again calls upon all States to pay due attention to these norms and standards in developing national and regional strategies for their practical implementation and to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as for adequate financial resources to ensure more effective implementation of these norms and standards;

3. Calls upon all States to ensure the widest possible dissemination of the texts of international instruments in this field;

4. Endorses Economic and Social Council resolution 1991/15 of 30 May 1991 concerning the implementation of United Nations standards and norms in crime prevention and criminal justice;

5. Recalls its resolution 45/155 of 18 December 1990 and takes note of Commission on Human Rights resolution 1991/30 of 5 March 1991, 13/ in which the Commission recommended that the Preparatory Committee for the World Conference on Human Rights should pay particular attention to the effective implementation of existing standards and instruments in the field of human rights;

14/ E/CN.4/Sub.2/1991/30 and Add.1-4.

15/ See E/CN.4/1992/2-E/CN.4/Sub.2/1991/65, chap. II, sect.A.

6. Welcomes Commission on Human Rights resolution 1991/42, by which the Commission created a five-member working group to investigate cases of arbitrary detention, and requests the Secretary-General to provide all necessary resources to the working group, taking into account its important and broad mandate;

7. Requests the Secretary-General:

(a) To continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services of the Centre for Human Rights of the Secretariat;

(b) To continue to provide all necessary support to United Nations bodies working on the promotion and protection of human rights and on international standard-setting in this field;

(c) To ensure the widest possible dissemination of the texts of the international instruments in this field, including those adopted unanimously by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to include the respective relevant texts in the next edition of the United Nations publication entitled Human Rights: A Compilation of International Instruments;

(d) To continue to coordinate activities in the field of human rights in the administration of justice, including the various technical advisory services carried out by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat, with a view to undertaking joint programmes and strengthening existing mechanisms;

8. Emphasizes the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

9. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution.

75th plenary meeting
17 December 1991